उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

मामला क्रमांक..... **सन् 200**

(31)

आदेश पत्रक (पूर्वानुबद्ध)

आदेश का दिनांक तथा आदेश क्रमांक	हस्ताक्षर सहित आदेश	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अंतिम आदेश

HIGH COURT OF CHHATTISGARH AT BILASPUR

M.A. No. 240 of 2005

APPELLANT
Insurer — National Insurance Company Ltd., Through its Assistant Manager, B-1, Taha Complex, 2nd Floor, Ring Road No.2, Priyadarshini Nagar, Bilaspur, Chhattisgarh.

Vs

RESPONDENTS
(Driver) — 1. Sangram Singh, S/o Kawalsai, Aged about 40 years, Occupation: Service, R/o Village: Parasurampur, Police Station: Ramanujnagar, Tehsil: Surajpur, District: Surguja, Chhattisgarh.

(Claimant No.1) — 2. Gajraj, S/o Dwarika, Aged about 50 years, Caste: Bargaah, Occupation: Agriculturist, R/o Village: Ramanujnagar, Police Station: Ramanujnagar, Tehsil: Surajpur, District: Surguja, Chhattisgarh.

(Claimant No.2) — 3. Ranglal, S/o Dharamsai, Aged about 35 years, Caste: Bargaah, Occupation: Agriculturist, R/o Village: Gopipur, Police Station: Ramanujnagar, Tehsil: Surajpur, District: Surguja, Chhattisgarh.

Mr. Sanjay K Agarwal, Adv. with Mr. S. Sharma, Adv. for the appellant.

None for respondent No.1.

Mr. A.K. Shukla, Advocate for the respondent No.2 & 3.

GRPRJ — FS/246 — 2/2007 — 50,000.

XI-HC—78

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

(32)

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ORAL ORDER
(2.5.2007)

Per Dhirendra Mishra, J

Heard.

This appeal by the insurer is directed against the interim award dated 17.1.2005 passed by the 4th Additional Motor Accident Claims Tribunal, (FTC), Surajpur in Claim Case No.46/2004 whereby learned tribunal has awarded a sum of Rs.50,000/- to the claimants under Section 140 of the Motor Vehicles Act, 1988 (for brevity 'the Act').

The only ground raised by the appellant in this appeal is that except a deposit receipt towards premium paid by the owner, there was no evidence available on record before the tribunal to reach the conclusion that the vehicle in question was insured by the appellant. However, the tribunal has allowed the application for interim award solely on the ground that the Development Officer of the appellant-Insurance Company had accepted the premium from the owner for the period commencing from 16.5.1998 to 15.5.1998 and the policy has been issued by the insurer only on the basis of above deposit receipt.

Taking into consideration the above finding of the tribunal whereby application under Section 140 of the Act has been allowed, no interference is called for in the appeal at the instance of the insurer. The appeal being devoid of substance is liable to be dismissed and it is hereby dismissed.

Sd/-
Dhirendra Mishra
Judge

Roshan/-